

Janis Puracal

From: Janis Puracal
Sent: Thursday, July 28, 2016 12:45 PM
To: 'David West'
Cc: Victoria Slade; Andrew Lauersdorf; Katie Welsh; Don Scaramastra
Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer
Attachments: Stipulation for Service and Answer (FINAL).docx

Thanks, David.

With that understanding, Plaintiff will agree to the stipulation. We will finalize the defense version (attached) and file.

Janis



Janis C. Puracal

1111 E. Burnside Street, Suite 300
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www.mlrlegalteam.com

Co-founder Oregon Innocence Project: <http://ojrc.info/oregon-innocence-project/>

****Note that my email address has changed to jcp@mlrlegalteam.com. Visit our website at www.mlrlegalteam.com**

From: David West [mailto:DrWest@gsblaw.com]
Sent: Thursday, July 28, 2016 10:22 AM
To: Janis Puracal <jcp@mlrlegalteam.com>
Cc: Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>; Don Scaramastra <DScaramastra@gsblaw.com>
Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Janis, I apologize for the delay but I was tied up yesterday and was travelling Tuesday.

I deleted the specific response dates for the motion because they were identical to those required by the local rules, which we do intend to follow.

As to the language in paragraph 6, we don't see any reason to discuss discovery issues in this stipulation, and we do not see the stipulation as changing any requirements of the Federal Rules (or the Local Rules) as to discovery.

I'm free this morning if you want to discuss further, then in a meeting much of the afternoon.

From: Janis Puracal [mailto:jcp@mlrlegalteam.com]
Sent: Thursday, July 28, 2016 8:54 AM
To: David West <DrWest@gsblaw.com>
Cc: Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>; Don Scaramastra <DScaramastra@gsblaw.com>
Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David:

I left you a voicemail about this on Tuesday. Thank you for sending the redline edits. We have a couple of clarifying questions:

1. Paragraph 5: Can you confirm that the deadlines for any motions to dismiss will follow Local Rule 7(d)(3)? Am I correct that you deleted the deadlines for response/reply because we are simply following the local rules?
2. Paragraph 6: Can you confirm that the parties will follow FRCP 16 and 26 for conferral and the joint report? Am I correct that you deleted the dates for conferral/joint report because we are simply following the federal rules?

Once we hear back from you, we can take this to our client for final approval.

Janis



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From: David West [<mailto:DrWest@gsblaw.com>]

Sent: Tuesday, July 26, 2016 12:40 PM

To: Janis Puracal <jcp@mlrlegalteam.com>

Cc: Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>; Don Scaramastra <DScaramastra@gsblaw.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Janis:

Again, thanks for the draft. Attached is our revision which our clients have approved, and a redline against your proposal. I think that the revisions are largely self explanatory but I am happy to discuss them with you if you wish. If this is acceptable, you have our authority to file the document with our signature. David

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]

Sent: Friday, July 22, 2016 6:02 PM

To: David West <DrWest@gsblaw.com>

Cc: Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David,

I was waiting to hear from you about your review of FRCP 4(f). Sounds like you were waiting to hear from me first.

My client is willing to enter into a stipulation with certain changes from your original proposal, and I have attached a draft stipulation for your clients' consideration. Note that:

1. For individual defendants, service will be deemed to have taken place under FRCP 4(f), as opposed to the Washington long arm statute as suggested in your proposal.
2. The deadline to respond will be extended to the end of September. Andy and I have vacations planned that will leave us unavailable to respond to your motions in September.
3. The agreement will not change any other deadlines under the rules.

Let us know if your clients will agree, and we will get the stipulation on file.

Janis



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From: David West [<mailto:DrWest@gsblaw.com>]

Sent: Friday, July 22, 2016 5:40 PM

To: Janis Puracal <jcp@mlrlegalteam.com>

Cc: Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Janis, when can we expect to hear back from you on these issues? You previously indicated that you would move for a default against Mr. Webb if he did not answer by July 27, which is next Wednesday, and we had hoped to resolve these issues well before then. If we can't reach agreement on these issues, or obtain a further extension from you, then we will have to approach the Court to request an extension. Hopefully that will not be necessary.

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]

Sent: Tuesday, July 19, 2016 4:36 PM

To: David West <DrWest@gsblaw.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Katie Welsh <kmw@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Thanks, David. We will discuss this proposal with our client and get back to you shortly.

Janis



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From: David West [<mailto:DrWest@gsblaw.com>]

Sent: Tuesday, July 19, 2016 4:24 PM

To: Janis Puracal <jcp@mlrlegalteam.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Janis –

As we discussed today, my clients are willing to authorize me to accept service on behalf of the remaining defendants, but only upon agreement to the following conditions. The conditions are that the parties will stipulate as follows:

First, that service will be deemed to have taken place in Canada;

Second, that service will be deemed to have taken place pursuant to the Federal Sovereign Immunities Act (as to the government defendants) and pursuant to the Washington State long arm statute (as to the individual defendants); and

Third, that the time for all defendants to respond to the complaint would be extended to August 18, 2016, and that we establish a briefing schedule for the motions to dismiss we anticipate filing at that time. Our proposed schedule is that defendants would file their motions on or before Thursday, August 18; that plaintiff would file responsive materials on or before Thursday, September 15; that defendants would file their reply materials on or before Friday, September 23; and that the motions would be noted for September 23.

We would want to submit this stipulation to the Court for its approval, of course.

I look forward to hearing back from you.

David

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]

Sent: Tuesday, July 19, 2016 10:16 AM

To: David West <DrWest@gsblaw.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David,

I can talk today at 4:00 p.m.

Janis



MALONEY | LAUERSDORF | REINER &
ASSOCIATES, P.C.
ATTORNEYS AT LAW

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From: David West [<mailto:DrWest@gsblaw.com>]

Sent: Monday, July 18, 2016 6:14 PM

To: Janis Puracal <jcp@mlrlegalteam.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Hi Janis – I have talked with my clients and have some additional information to share. Are you free to talk tomorrow morning? I will also be available between 4 and 5 tomorrow. Let me know what works and I will give you a call. David

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]

Sent: Thursday, July 14, 2016 9:13 AM

To: David West <DrWest@gsblaw.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David,

Our information comes from the Ontario Court of Justice - the central serving authority in Ontario for service under The Hague Convention. The court sent the documents out for service. The process server attempted to serve the Deputy Attorney General, as instructed on the DOJ's website. The server was told that he could not serve that department and had to serve another office. The person at the desk, however, refused to disclose the address of the correct office. The server attempted to serve CBSA and was, again, told that he had to serve another office, but the person at the desk refused to disclose the address of the correct office. The server attempted three times to serve Mr. Liska at the DFAIT office, but was denied access into the building and to Mr. Liska.

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From: David West [<mailto:DrWest@gsblaw.com>]
Sent: Wednesday, July 13, 2016 6:40 PM
To: Janis Puracal <jcp@mlrlegalteam.com>
Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>
Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Janis, I am checking with my clients on your email. In the meantime, I am unaware of any basis to conclude that any of them have been avoiding or refusing service. Also, I know of no way that the governmental agency defendants could in fact avoid or refuse service. Can you please provide me with the facts on which you base that assertion so I can investigate?

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]
Sent: Wednesday, July 13, 2016 9:44 AM
To: David West <DrWest@gsblaw.com>
Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>
Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David,

Thanks for getting back to me. While I appreciate your position on waiting until all defendants are served before filing your clients' motions, our client has been waiting a long time for answers about what happened to her, and is anxious to move this matter forward to resolution one way or the other. We have been advised that Mr. Webb and DFAIT have been served with the summons and complaint, but your other four clients have refused service or are otherwise avoiding service. As you can imagine, our client is not inclined to stipulate to Mr. Webb and DFAIT waiting until all defendants are served before answering, when their co-defendants appear to be refusing or avoiding service.

We understand that you are not authorized to accept service on behalf of the other four defendants, and we will follow-up on our end. In the meantime, however, we have been instructed by our client to move for default against Mr. Webb in 14 days if he has not answered or otherwise appeared. We will also move for default against DFAIT if it does not answer or otherwise appear by August 1. Please feel free to call me if you feel that further conferral is warranted or may be beneficial.

Janis



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From: David West [<mailto:DrWest@gsblaw.com>]
Sent: Monday, July 11, 2016 9:01 PM
To: Janis Puracal <jcp@mlrlegalteam.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: RE: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

Hello Janis –

Thanks for following up. I did not have a chance to consult with my clients until late last week, and I was out of the office today.

I do not have authority to accept service for any of the defendants. My understanding is that one of the individual defendants has been served with process, and perhaps one of the governmental defendants, but that the other defendants have not yet been served.

I expect that all defendants will file motions to dismiss the complaint on various grounds prior to answering. We have just been recently retained and are in the process of conducting our investigation and legal research. That research is complex given the international aspects of this matter, so we will need a bit of time to evaluate our options and draft the appropriate motions. Further, we believe it will not be efficient for defendants to file separate or seriatim motions to dismiss, so we would suggest that such motions should be filed once service has been effected on all defendants properly. I assume you are effecting such service?

David

From: Janis Puracal [<mailto:jcp@mlrlegalteam.com>]

Sent: Monday, July 11, 2016 11:34 AM

To: David West <DrWest@gsblaw.com>

Cc: Don Scaramastra <DScaramastra@gsblaw.com>; Victoria Slade <VSlade@gsblaw.com>; Andrew Lauersdorf <acl@mlrlegalteam.com>; Cher Vasquez <cv@mlrlegalteam.com>

Subject: de Jaray v. Attorney General of Canada: Service and Deadline for Answer

David,

I left you a voicemail on July 2, but have not heard back. We also sent a letter to Tom Saunders at CBSA (before your appearance) regarding an extension to answer and acceptance of service. We have not heard any further.

Mr. Webb's answer was due by June 15, and he is now in default. Does Mr. Webb intend to file an answer?

Also, do you have authority to accept service on behalf of the four defendants who have yet to be served (the Attorney General, CBSA, Mr. Varga, and Mr. Liska)?

Janis



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